Zoning Board of Appeals
City Council Chambers
Woburn City Hall
Wednesday, March 20, 2024 – 6:00 p.m.

Present: Chair Margaret Pinkham, Member John Ryan, Member Daniel Parrish, Member Anne Chatfield, and Alternate Member Mark Cavicchi. Absent: Member Richard Clancy

Chair Pinkham welcomed new Member Anne Chatfield to her first meeting as a member of the board. Chair Pinkham said she is looking forward to taking advantage of Member Chatfield's expertise in the real estate realm.

1. **Zen TD LLC, 4 Fieldstone Drive, Winchester, MA, Petitioner and Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to raze and construct a new single-family dwelling at 30 Sturgis St., Woburn, MA:** Representing the applicant was Attorney James Juliano, Juliano Law Group, 607 Main St., Woburn, MA. Attorney Juliano said his client is seeking approval of a special permit to raze the existing home and garage and replace it with a new single-family home. He said the lot has 17,962-square-feet but has 83.7 feet of street frontage, less than the 100 feet of frontage required in an R-2 zoning district. He said the new building will not deviate from the current requirements except for frontage. He said no existing non-conformities will be exacerbated. Chair Pinkham asked if the existing house is in the back portion of the lot. Attorney Juliano said the existing house is toward the back of the lot. He said there is another free-standing structure toward the front of the lot. He said both existing structures will be removed and the new house will be closer to the front lot line than the existing house. Chair Pinkham asked how many bedrooms and bathrooms there are in the existing house. Attorney Juliano said there are three bedrooms and 1.5 bathrooms in the existing house. Chair Pinkham asked how many bathrooms there will be in the new house. Attorney Juliano said there will be 4.5 bathrooms in the new house, including a full bathroom in the basement, which he said will be unfinished. Chair Pinkham said if the basement has a bathroom in it, it will not be unfinished. She asked if there is exterior access into the basement. Attorney Juliano said most of the basement will be underground and there will be access through a bulkhead. Chair Pinkham said these is no bulkhead shown on the plans. She said Alternate Member Cavicchi will be a voting member on this matter in the absence of Member Clancy. Member Parrish said the plans indicate this house will be a McMansion with a flat roof. He said Sturgis Street has a steep slope and asked how drainage will be addressed. Attorney Juliano said the builder is in the audience and can address any questions about drainage. He said the applicant intends to install an underground infiltration system. Chair Pinkham said there is nothing on the plans that shows the pitch of the roof. Attorney Juliano said the house will have a flat roof. He said the roof will be pitched just enough to direct water off the roof. He said a completely flat roof would not allow for drainage. Member Parrish said the application indicates the house was built in 1848 and asked if the Woburn Historical Commission has any jurisdiction over the removal of the dwelling. Attorney Juliano said the house will be subject to the Woburn Historical

Commission's jurisdiction. Member Parrish asked if the new dwelling will be a single-family home with an in-law suite. Attorney Juliano said there will be an in-law suite with no kitchen. Chair Pinkham said the plans indicate there will be an in-law suite. Chair Pinkham said the plans also indicate there are five proposed bathrooms or 5.5 baths depending upon the bathroom in the basement and four bedrooms. She asked if the applicant has reached out to the City Engineer or the DPW Superintendent to determine if the increased water capacity can be accommodated. Attorney Juliano said that will happen at the building permit phase. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the application. Donna Colantino, 36 Sturgis Street, asked what the applicant is citing for a hardship. Chair Pinkham said the applicant is seeking a special permit, which is different than a variance. She said if the board determines the structure is a pre-existing, non-conforming use, it has the authority to grant a special permit. She said the lot does not have enough frontage. She said the board can grant a special permit as long as there are no new violations of the zoning code and there is a determination that the new dwelling is not substantially more detrimental to the neighborhood. Ms. Colantino said the house behind theirs gets water. She said hopefully their house will not get water in the basement. She said this is a concern with the proposed huge house going up. Brian Bakke, 23 Sturgis Street, said the existing structure has had all the windows taken out. He asked how long it will be until construction of the new house starts. He said the existing house is wide open right now. He said he would like to see the house boarded up to keep out trespassers. Chair Pinkham said if the house is open it might be a liability for the owner. Attorney Juliano said construction will start upon the receipt of the appropriate approvals. He said he misspoke earlier. He said the applicant does have a letter from the Woburn Historical Commission. He said it would be prudent for the owner to get the existing house boarded up, especially the doors and windows at grade level. Chair Pinkham asked if the code requires the applicant to install dry wells. Attorney Juliano said dry wells are only required for buildings with four or more units. He said dry wells are becoming more common with single-family homes, however. Chair Pinkham said the existing house is located toward the back of the property that has a significant change in elevation. She asked if there has been any analysis of what is going to happen when the structure is removed. Attorney Juliano said the proposed home will start at an elevation of 100 feet and go to an elevation of 103 feet. Chair Pinkham said the proposed house is a significantly larger structure than the existing house, and she can see why the people who live downhill are concerned. Attorney Juliano said the layered roof will collect more rain water and it can be directed. Chair Pinkham said that is only true if the applicant installs an infiltration system. Attorney Juliano said an infiltration system will be installed, and the board can certainly add that as a condition. Christopher Delaney, 36 Sturgis Street, said a lot of houses to the rear of his home have sump pumps in their basement. He said he is concerned about flooding in his basement if the new house is built, and asked if that is something he will have to deal with himself. He asked if he will have any legal recourse if he starts getting water in his basement. Chair Pinkham said she is not in a position to give Mr. Delaney legal advice. Mr. Delaney said if his house starts taking on water, does he have to hire an attorney. Chair Pinkham said she does not know what is causing Mr. Delaney's neighbors to need sump pumps. Mr. Delaney said there are springs underground. Chair Pinkham asked if the change in elevation is a factor. Mr. Delaney said there is a hill on Sturgis Street. Chair

Pinkham said she can tell Mr. Delaney that water is considered to be a common enemy under state law. She said there is a risk of water going off-site which is why she asked the applicant's attorney about drainage. Joanne Campbell, Ward 1 City Councilor, said her primary concern is about drainage. She said the applicant is seeking to replace a little house with a larger house, and her concern is increased runoff and if the applicant is going to be able to keep the drainage in the yard. She said there is a very steep hill on Sturgis Street. She said even when it is not raining, there is water seeping down. She said she also wants to make sure the house is not too close to the street. Chair Pinkham said the proposed house will meet the front yard setback requirement. Councilor Campbell said the neighbors want to make sure there is some kind of infiltration system. Chair Pinkham said there are a number of decks and driveways proposed. She said it seems to her impervious surface is being increased and that does raise concerns about drainage. She said there are areas labeled as decks but she is not sure if that is the applicant's intent. Attorney Juliano said any thing on the plans labeled as a deck will be wooden deck. Chair Pinkham asked if the items identified as driveways and patios will be impervious. Attorney Juliano said anything labeled patio is a paver like a driveway. Member Parrish said the plot plan shows patios and asked if there will be wood or concrete. Attorney Juliano said there will be two decks to the west and south and the patio is going to be a paver. Chair Pinkham asked who is the appropriate professional with whom to discuss the drainage and infiltration system. Attorney Juliano said drainage is usually designed by the engineer who is hired by the builder. He said a builder has been retained. Chair Pinkham said she feels like adding a condition that addresses the drainage will be in everyone's best interest. Attorney Juliano asked if the board would accept a signoff from the City Engineer regarding the drainage. Chair Pinkham said the board may want to continue the hearing until an engineer looks into the drainage. Attorney Juliano said the board can add a condition about drainage. Member Ryan said his concern is drainage, especially toward the front of the property. He asked if the areas marked patio are really extensions of the driveway. Attorney Juliano said that is essentially correct. He said there are ways to direct the runoff. Member Ryan said the plot plan shows a driveway on the westerly side of the driveway. He said there is currently a very narrow driveway that is being replaced by a wider driveway and an even wider patio. He said he does think a drainage system in that area is important. Attorney Juliano said his client would be amenable to a condition that references the drainage. Chair Pinkham said all the water is going to come out of a drainage line and it is going to travel downhill. She said it looks like there is a retaining wall of substantial height. She said if she lived at 32 Sturgis Street, she would be concerned about water coming onto her property. She said the applicant might want to consider a dry well. Alternate Member Cavicchi said a French drain also might be an option. Member Parrish asked if the board is going to get drawings of the catch basins. Chair Pinkham suggested imposing a condition that a professional engineer design the drainage system to provide protection for neighboring properties. Attorney Juliano said the Building Dept. will check to ensure there is an adequate drainage system when a permit is pulled. Alternate Member Cavicchi said there will be a lot of runoff coming from the roofs of the proposed structure. He said he thinks there will be water running toward the house. He said he is not sure all the grades on the plans are accurate. Attorney Juliano said the grades on the plans are the existing grades. Alternate Member Cavicchi said he is assuming all the existing utilities

will be removed. He said that should be a condition. Member Chatfield asked if the builder anticipates that a sump pump or a French drain will be required in the basement. Attorney Juliano said that is usually a site call. He said if the water level does become a concern the builder could add a sump pump. He said that would be a field call. Alternate Member Cavicchi said there are a lot of questions about drainage. He said there are so many roof lines here it is difficult to determine where the water is going to go. Member Parrish said he is concerned about the height of the new home, as there appears to be a third floor going in there. He said the applicant would have to come back to the board if the height of the new dwelling is more than 35 feet. Attorney Juliano said the height of the new dwelling will be 23 feet. Member Parrish said the house might be detrimental to the neighborhood if it looks like a big flat box. He said he does not think that would look nice. Chair Pinkham said there are a number of issues with the application. She said the plan needs to be revised. Attorney Juliano asked if the board is looking for drainage analysis to add as a condition. Chair Pinkham said she would request the board add a condition that the drainage calculations are done by a professional. She said based on the number of questions from the board, more information about the drainage and runoff is required. Attorney Juliano said he would like to request a continuance. Ms. Colantino asked why the applicant needs a patio that goes right up to the sidewalk. Chair Pinkham said the board has asked for more information about the drainage. Motion made by Member Parrish and seconded by Member Ryan to continue the public hearing until the board's meeting on Wednesday, April 10, 2024; approved, 5-0.

2. **Richard Lichoulas, 5 Tory Row, Woburn, MA, Petitioner, and 707 Main Street Realty Trust, 300A Main St., Suite 12A, Woburn, MA, Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to construct a porch for a pre-existing, non-conforming structure at 707 Main St., Woburn, MA:** Mr. Lichoulas said he wants to put a roof over the existing porch to make it look like a farmer's porch. He said the grade where the house is located is lower than Capozzi Circle or Main Street. He said his goal is to clean up the house. He said he put on a new roof about a year and a half ago. He said he would like to add vinyl siding. Chair Pinkham said she had the plan Mr. Lichoulas submitted enlarged because the 11"x17" version was too small to read. She asked if the proposed porch is the same depth as the deck. Mr. Lichoulas said the deck will be replaced but will not be any larger. He said it will have a roof. Chair Pinkham asked if the porch is 6.5 feet deep. Mr. Lichoulas said the porch is between 6.5-7.5 feet deep, and the new deck will be a little deeper. He said there is a brick wall and he has to install new sonotubes to support the deck and the roof. He said the deck will be approximately one foot deeper. Chair Pinkham said any approval by the board is based on the plan. He said the plan shows the deck and the roof will be 6.5 feet from the front of the façade. He said if the applicant needs those dimensions to be 7.5 feet with the sonotubes, it will be up to the Building Commissioner to determine if it is a minor modification. Member Ryan asked if the brick wall is staying. Mr. Lichoulas said the brick wall is staying but he does not know how deep it is. Member Ryan asked if the roof is going to stay. Mr. Lichoulas answered affirmatively. Member Ryan asked how long Mr. Lichoulas has owned the property. Mr. Lichoulas said he has owned the property for a little more than 17 years. He said he is at the point in his life where he wants to repair and fix the house. He said it looks run down.

He said he has a permit to replace the siding. He said he wants to extend the roof so it covers the deck. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the application. There were no respondents. Member Parrish said this is a wonderful proposal. He said he likes that Mr. Lichoulas is keeping the old house. Chair Pinkham said she has no problem with the petition. Motion made by Member Parrish and seconded by Member Ryan to grant the special permit; approved, 5-0.

3. **Daniel and Alexandra Munroe, 35 Hiawatha Road, Woburn, MA, Petitioner and Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, for an addition to a single-family home at 35 Hiawatha Road, Woburn, MA:** Mr. Munroe said he and his wife are seeking to build an addition to the side of their house. Chair Pinkham said when she looked at the plans it appeared as though the applicant wants to build a separate dwelling unit in an R-1 zone. She said she reached out to the Building Commissioner and said his view was that the entry foyer makes it seems like the addition will be a separate dwelling unit as opposed to an in-law apartment. She said the Building Commissioner's interpretation is there has to be a direct connection between the structure and the addition. She said this property is located in an R-1 zone. She said if the board votes in favor, it has standard conditions that it attaches to a special permit of this nature to prevent the dwelling from being used as a 2-family structure. She said the applicants may not own the house in the future and a new owner may convert it to a 2-family dwelling. She said she feels the design does not comply with the Building Commissioner's interpretation of a single-family home with an in-law apartment. She said she thinks this addition pushed the boundary and will look like a separate apartment. Member Parrish said that was his first question, whether this is an in-law apartment. Mr. Barry Munroe said he is Daniel Munroe's father and the intent is for his wife and him to live in the addition. He said there is no separate entrance into the in-law apartment. He said anyone will be able to walk directly between the addition and the existing portion of the house. He said the only reason the applicant is before the board is because one of the side setbacks is 9.8 feet from the lot line when 12 feet is required and the structure is therefore non-conforming. He said there is not enough room on the other side of the house for an addition that would comply with the zoning code. Member Ryan asked if one goes through the door, will the in-law section be on the left side and the existing house will be on the right side. Barry Munroe said that is correct. Member Ryan asked if there are doors between the in-law section and the existing house. Barry Munroe said there are no doors between the in-law section and the existing house. Member Chatfield asked if the area between the existing house and the proposed addition would be considered to be a porch. Daniel Munroe said the area is a playroom. He said there is a sliding door. Chair Pinkham asked what is in front of the playroom. Daniel Munroe said the living room is in front of the playroom. Chair Pinkham asked if the kitchen is at the end of the structure. Daniel Munroe said the kitchen and the dining room make an "L" shape. Barry Munroe said the kitchen is open to the living room and the living room is open to the playroom. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the petition. Thomas Brady, 33 Hiawatha Road, said all the homes on Hiawatha Road were built in the 1950s. He said the Munroes' house will be similar in scale to his. He said everyone in the neighborhood uses the door on the house closest to the driveway as their main access. He said the standard conditions that the board imposes

on a special permit makes a lot of sense. He said he is in full support of the board granting the special permit. He said the Munroes have been terrific neighbors. He said he thinks the condition that the house ought to remain a single-family dwelling seems like a great idea. Daniel Munroe said his family recently moved from the Crescent Park area. He said they are looking to expand their family. He said the neighborhood is wonderful. Motion made by Member Ryan and seconded by Member Parrish to grant the special permit with the standard conditions that require the house to remain a single-family dwelling; approved, 4-1, with Chair Pinkham opposed.

4. **Approval of minutes from meeting of February 21, 2024:** Chair Pinkham said she has not had time to go over the minutes. She asked if anyone on the board has any edits to offer. Member Ryan said there is a change on page 4, of the word "monitor" to "maintain." Motion made by Member Parrish and seconded by Member Ryan to approve the minutes of February 21, 2024, as amended; all in favor, 5-0.

5. **Discussion of ZBA application requirements:** Chair Pinkham said she sent a draft copy of the application to the clerk for distribution to the Building Commissioner and City Solicitor Mark Salvati. She said the City Solicitor sent a revised version of the application to her and asked for her input. She said she looked at it today and she is concerned the additional information suggested by the City Solicitor may end up overwhelming applicants. She said she gave the City Solicitor some feedback. She said the City Solicitor included a list that would have applicants check off every non-conformity. She said she felt that may be confusing for applicants. She said the application revisions are still a work in progress.

6. **Any other matters that may be legally before the board:** None

7. **Motion made by Member Parrish and seconded by Member Ryan to adjourn**; approved, 5-0. Chair Pinkham adjourned the meeting at 7:23 p.m.

ATTEST: _____
Gordon Vincent
Clerk of the Zoning Board of Appeals